

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al.,  
Plaintiffs,

vs. C.A. No. 04-312L

JEFFREY DERDERIAN, et al.,  
Defendants.

ESTATE OF JUDE B. HENAUT, et al.,  
Plaintiffs,

vs. C.A. No. 03-483L

AMERICAN FOAM CORPORATION, et al.,  
Defendants.

**PLAINTIFFS'<sup>1</sup> MOTION TO APPROVE AND ESTABLISH THE 468B  
QUALIFIED SETTLEMENT FUND AND  
APPOINT FUND TRUSTEES**

Plaintiffs in all of the consolidated Station Fire civil actions hereby respectfully move that this Court (a) approve the establishment of a Qualified Settlement Fund (§ 468B Trust) in the form attached as Exhibit 1; and (b)

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<sup>1</sup> All Plaintiffs represented by all counsel in all actions as indicated by the signatures of counsel and in the following cases of Gray, et al. v. Derderian, et al., C.A. No. 04-312L; Napolitano, et al. v. Derderian, et al., C.A. No. 06-080L; Passa, et al. v. Derderian, et al., C.A. No. 03-148L; Kingsley, et al. v. Derderian, et al., C.A. No. 03-208L; Guindon, et al. v. American Foam Corp., et al., C.A. No. 03-335L; (Guindon, et al. v. Leggett & Platt, Inc., et al., C.A. No. 07-366L consolidated with Guindon, et al. v. American Foam Corp., et al., C.A. No. 03-335L); Henault, et al. v. American Foam Corp., et al., C.A. No. 03-483L; Roderiques, et al. v. American Foam Corp., et al., C.A. No. 04-026L; Sweet, et al. v. American Foam Corp., et al., C.A. No. 04-056L; Paskowski, et al. v. Derderian, et al., C.A. No. 05-002L; Kolasa v. American Foam Corp., et al., C.A. No. 05-070L; Long v. American Foam Corporation, C.A. No. 06-047L; Malagrino v. American Foam Corp., et al., C.A. No. 06-002L; and Gonsalves v. Derderian, et al., C.A. No. 06-076L.

appoint Paul Finn, Esquire and RBS Citizens, N.A. ("Citizens Bank"), One Citizens Plaza, Providence, RI 02903 as co-trustees of the Qualified Settlement Fund ("QSF") established pursuant to Section 468B of the Internal Revenue Code, and Treasury Regulation § 1.468B-1.

A Memorandum in support of this Motion is being filed contemporaneously herewith.

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### CERTIFICATION

I hereby certify that an exact copy of the within document was electronically submitted to the Electronic Case Filing System of the United States District Court for its distribution to all counsel of record and a copy was electronically mailed to *pro se* defendant on this 16<sup>th</sup> day of December, 2009.

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